

CG  
Cable  
television program guide implemented on interactive television  
program guide equipment having user television equipment, wherein  
the favorites program guide display screen is displayed on the  
user television equipment; and

means for providing a user with an opportunity to  
set a television channel as a favorite based on the additional  
channel information with the interactive television program  
guide.

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#### REMARKS

##### I. Introduction

Applicants have filed concurrently herewith a Petition  
for a three-month extension of time for replying to the Office  
Action and have paid the fee required under 37 C.F.R. § 1.136(a)  
and 1.17 (a)(3). With this extension, the time for replying is  
extended up to and including June 3, 2003.

Claims 1-16, 18-37, 39-58 and 60-62 were rejected under  
35 U.S.C. § 103(a) as being unpatentable over Youman et al. U.S.  
Patent No. 5,629,733 (hereinafter "Youman") in view of LaJoie  
U.S. Patent No. 5,850,218 (hereinafter "LaJoie"). Claims 64-81  
were rejected under 35 U.S.C. § 103(a) as being unpatentable over  
Youman in view of Brandon et al. U.S. Patent No. 4,924,303  
(hereinafter "Brandon"). These rejections are respectfully  
traversed.

1. Claims 1-16, 18-37 and 60-63 Are Patentable  
Over The Youman-LaJoie Combination

Claims 1-16, 18-37, 39-58 and 60-63 were rejected as being obvious over Youman in view of LaJoie (the "Youman-LaJoie Combination"). To establish a prima facie case of obviousness, the Examiner must show, among other things, that the Youman-LaJoie Combination teaches or suggests all of the limitations of claims 1-16, 18-37, 39-58 and 60-63. MPEP § 2143.03. Applicants respectfully submit that for the reasons set forth below, LaJoie fails to disclose or suggest applicants' patentable improvements over Youman. Consequently, the Youman-LaJoie Combination cannot teach or suggest all of applicants' claimed features and the § 103 rejections should be withdrawn.

a. Claims 1-6, 22-27 and 43-48

The Office Action acknowledges the novelty of claims 1-6, 22-27 and 43-48. The Office action expresses the view, however, that such approaches are obvious because LaJoie shows a "a separator embedded within the navigatable program listings" as recited in independent claims 1, 22, and 47. Applicants respectfully submit that LaJoie does not disclose such a feature and that a prima facie case of obviousness is therefore not made.

The Office action cites, in particular, FIGS. 16 and 17 of LaJoie. It appears that the Office action regards LaJoie's

'current time and channel indicator 342' as part of the listings and concludes that the 'guide date and time bar 348' at the top of LaJoie's grid 366 are therefore "embedded within" the listings. Accordingly, applicants have amended independent claims 1, 22, and 43 to make clear that the claimed separator is "embedded within the navigatable program listings."\* As stated in response to the last Office action, this feature may in some embodiments "allow users to, for example, maintain their focus on the listings themselves while navigating within the listings" and "still be informed of the current time slot." Reply to January 3, 2002 Office action, p. 5. LaJoie's 'guide date and time bar 348' is outside of the navigatable program listings. Although the program listings within program grid 366 are navigatable, 'current time and channel indicator 342' is not a navigatable program listing. Therefore, LaJoie's 'guide date and time bar 348' is not "embedded within the navigatable program listings" as set forth in independent claims 1, 22, and 43.

The foregoing demonstrates the patentability of applicants' claims 1-6, 22-27 and 43-48.\*\* Accordingly, the

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\* Applicants wish to point out that in this regard, the time indicators of Lajoie are similar to the time indicators of FIG. 18 of Youman, which was discussed by applicants in response to the last Office action. Like Youman's grid, the "columns and rows of [LaJoie's] grid are labeled outside of the grid with times and channels." The "indicators ... of the displayed listings are indicated outside of the listings." Reply to January 3, 2002 Office action, p. 4. Youman's listing of FIG. 18 is external to the grid and is not navigatable.

\*\* Dependent claims 2-6, 23-27, and 44-48 have additional patentable features. However, the foregoing is sufficient to demonstrate the

obviousness rejections of claims 1-6, 22-27 and 43-48 should be withdrawn.

b. Claims 7-9, 28-30 and 49-51

Applicants respectfully submit that the rejection of claims 7-9, 28-30 and 49-51 is unclear. The last Office Action rejected these claims under 35 U.S.C. § 102(b) as being anticipated by Youman. Applicants replied, explaining applicants' approach of these claims improves upon Youman's use of on-screen arrows by, "among other things, 'chang[ing] a display characteristic of [an] on-screen arrow ... in response to the user performing' an available action that is "indicate[d] by the on-screen arrow." Reply to January 3, 2002 Office action, p. 7 (emphasis in original).

The 102(b) rejection has been withdrawn and replaced by an obviousness rejection. The current Office action, however, states that "Youman discloses ..." claim 7 in its entirety. Office action p. 5. This statement is inconsistent with the current obviousness rejection, and the Office's withdrawal of the anticipation rejection. The Office action then states that Lajoie "also offers an on-screen arrow for performing or selecting an available option." Id. This does not address the

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patentability of these claims and their additional patentable features will not be discussed.

changing of the arrow's display feature set forth in applicants' claims.

Assuming the current rejections are under § 103, they should be withdrawn for two reasons. First, the Office action plainly provides no support for how LaJoie discloses the improvement pointed out in applicants' last reply -- changing the display characteristic of the on-screen arrow in response to the user's action. Indeed, LaJoie does not disclose such a feature. Second, the Office action must provide some objective motivation for how one skilled in the art would arrive at applicants' approach of claims 7-9, 28-30 and 49-51 from Youman or LaJoie, whether these references are taken individually or in combination. The Office action provides no such motivation, objective or otherwise.

Applicants respectfully submit that claims 7-9, 28-30 and 49-51 are allowable.\*

c. Claims 10-13, 31-34 and 52-55

The last Office action rejected claims 10-13, 31-34 52-55 under 35 U.S.C. § 102(b) as being anticipated by Youman. Applicants replied to that Office action explaining that while Youman broadly discloses the display of local information,

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\* Dependent claims 8, 9, 29, 30, 40 and 41 have additional patentable features. However, the foregoing is sufficient to demonstrate the patentability of these claims and their additional patentable features will not be discussed.

applicants' claimed approaches improve upon Youman by "among other things, displaying local information data 'in a display screen that is configurable based on the local information data.'" Reply to January 3, 2002 Office action, p. 8 (emphasis in original). In light of these arguments, the § 102 rejection was withdrawn.

Claims 10-13, 31-34 52-55 now stand rejected under 35 U.S.C. § 103. The Office action states that Youman "teaches" all of the features of independent claims 10, 31 and 52, but provides no analysis for why one of skill in the art would arrive at applicants' approach from Youman's, or to modify Youman. The Office action also reasons that claims 10-13, 31-34 52-55 are obvious because LaJoie "also offers local information update," but again, provides no analysis for why one of skill in the art would, based on LaJoie, arrive at applicants' claimed approach of providing a display that is configurable based on the local information update. At bottom, the Office action asserts that providing displays that **are configurable** based on local information is obvious from providing displays that **are not configured** based on local information, and gives no reason why this would be true.

Applicants respectfully submit that this is improper. To make a prima facie case of obviousness the Office action must provide "some suggestion or motivation ... to modify the reference." MPEP § 2143. The question of a suggestion or

motivation to modify a reference cannot "be resolved on subjective belief and unknown authority." In re Lee, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002). Without some analysis in the Office action, applicants have nothing upon which to respond and are unclear about the Examiner's motives for combining the cited references. The obviousness rejections of claims 10-13, 31-34 and 52-58 should be withdrawn.\*

d. Claims 14, 35, and 56

The Office action appears to consider applicants' user-configurable "auto-tune" feature as involving (or as at least obvious over) tuning to a television channel directly from the guide:

LaJoie further offers the direct access to channels by Time, Theme or Titles (as illustrated in Figs. 20-23) as an auto-tune feature which gives the user a direct access to any available channel.

Office action p. 6. Applicants have amended claims 14, 35 and 56 to expressly incorporate the definition of "auto-tune" provided in applicants' specification at p. 52, lines 28-33 and p. 53, lines 1-9. Applicants' user-configurable feature of claims 14, 35 and 56 allows the user to "configure the program guide to auto-tune channels when the user indicates a desire to change channels, and to configure the program guide to not change

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\* Dependent claims 11-13, 32-34, and 53-58 have additional patentable features. However, the foregoing is sufficient to demonstrate the patentability of these claims and their additional patentable features will not be discussed.

channels when the user enters channel numbers using less than a predefined number of digits." These claims are in condition for allowance.

e. Claims 15, 36 and 57

Applicants respectfully submit that the rejection of claims 15, 26 and 57 is unclear. The last Office Action rejected these claims under 35 U.S.C. § 102(b) as being anticipated by Youman. Applicants replied, explaining applicants' approach of these claims improves upon Youman's search by using two displays for searches. The first display screen displays program listings "while" the user is searching, and includes "fewer" program listings than those displayed in the second display screen. When the user "indicates... that the user is finished searching through the program listings [i.e., first display screen]," the program guide displays the second display screen having the additional program listings.\* Reply to January 3, 2002 Office action, pp. 9-10.

The 102(b) rejection has been withdrawn and replaced by an obviousness rejection. The current Office action, however, states that "Youman discloses ..." claims 15, 36 and 57 in their

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\* Applicants direct the Examiner's attention to page 32, lines 28-32 of applicants' description. In some embodiments this may, for example, provide space on the screen for search display elements while the user is searching (e.g., FIGS. 13a and 13b), and then allow the user to see more of the user's search results on a single screen when the user is finished searching (e.g., FIG. 13c).



entirety. Office action p. 7. This statement is inconsistent with the current obviousness rejection, and the Office's withdrawal of the anticipation rejection. Applicants respectfully request clarification.

Applicants also wish to point out that claims 15, 36 and 57 are directed to a user's search of program listings. The Office action, however, uses non-listings screens to make the obviousness rejection: "further in Figs. 25 and 26 ... Youman shows that a first display screen as shown in Figure 25 displays fewer program listings than on Figure 26." Office action, p. 7.

FIG. 26 does not include program listings. It is a premium service display screen as indicated at the top, left hand corner of the figure.

Claims 15, 36 and 57 would be patentable even if FIG. 26 were a listings screen because claims 15, 36 and 57 state that the second portion of program listings are displayed "when the user is finished searching." In other words, the second portion of the listings are displayed in response to the user finishing the search, not at some future unrelated point in time. Consequently, the subsequent display of an unrelated screen of fewer program listings would not anticipate or render obvious applicants improvement of claims 15, 36 and 57. LaJoie does not disclose or suggest this feature. The obviousness rejections of claims 15, 36 and 57 should be withdrawn.

f. Claims 16, 37 and 58

FIGS. 18-20 and 25-26 of Youman are not search by title screens. They let the user search for programs by time, channel, or genre. FIG. 26 is a premium services display, and does not allow the user to search for programs. Youman's search by title feature is shown instead in FIGS. 38D, 38E, and 38F. However, in these screens program listing for similar titles are shown more than once (e.g., Magnum P.I., Magic Box, ABC News, etc.). In applicants' claimed approach, "program listings for similar titles are represented only once in the display screen."

LaJoie's approach in FIG. 23 does not disclose or suggest applicants' improvement over Youman. LaJoie's search by title feature in FIG. 23 does not show listings only once. This is clear from the fact that LaJoie uses date and time information to indicate a particular showing of a title. In other words, if Casablanca were also shown on 9/21 at 12:00P, its title would appear twice. Combining LaJoie with Youman, therefore, does not provide applicants improved search by title feature as claimed. Accordingly, the obviousness rejections of claims 16, 37, and 58 should be withdrawn.

g. Claims 18, 39 and 60

The last Office action rejected claims 18, 39 and 60 as being anticipated by Youman. Applicants replied, explaining that applicants' patentable improvement over Youman was the "sliding

of the FLIP overlay toward the bottom of the display until the FLIP overlay is no longer displayed."\*

The Office has withdrawn the anticipation rejection, and now states that the sliding-FLIP of claims 18, 39 and 60 are obvious over Youman and Lajoie.\*\* Applicants respectfully submit that the Office action provides no support for a suggestion or motivation for combining Youman and Lajoie, and for this reason alone the rejections should be withdrawn.

Applicants also wish to point out that LaJoie does not "slid[e] ... the FLIP overlay toward the bottom of the display..." as set forth in claims 18, 39 and 60. LaJoie's FLIP is static. It is displayed and then "turned off" without sliding. LaJoie's FIG. 4 illustrates a flow diagram of a channel navigation function of a set-top terminal. FIG. 4 clearly illustrates that "2 SECONDS WITH NO INTERACTION" causes a banner (e.g., program information banner 114) to "turn off." It says nothing about sliding. Applicants request that the rejections of claims 18, 39 and 60 be withdrawn.

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\* Youman broadly discloses providing a FLIP overlay when a user changes channels. Youman, col. 11, line 60, through col. 13, line 10. When a user changes channels, Youman's program guide superimposes the FLIP overlay onto the screen, and removes its FLIP overlay after a predetermined time. Applicants' systems and method of claims 18, 39 and 60 patentably improve upon the removal of Youman's FLIP overlay by "sliding the FLIP overlay toward the bottom of the display until the entire FLIP overlay is no longer displayed." See page 11 of applicants' Reply to the January 3, 2002 Office Action.

\*\* As with other rejections already discussed, the Office action states that "Youman shows..." all of the limitations of claims 18, 39 and 60. Applicants request clarification should prosecution continue.

h. Claims 19, 40 and 61

The Office has withdrawn the anticipation rejection of claims 19, 40, and 61, and now states that these claims are obvious over Youman in view of Lajoie.\* The Office Action does not however include LaJoie in its analysis on pages 8-9. Hence, applicants' respectfully request clarification should prosecution continue.

Claims 19, 40 and 61 are directed to systems and methods for **"turning off"** a **"program guide"** and providing an "overlay indicating that the interactive television program guide has been turned-off by the main facility." The Office action appears to base the § 103 rejection on Youman's pay-per-view ordering feature. The Office action reasons, however, that "turning off" or canceling a pay-per-view order will "includ[e]" turning off the guide itself:

Youman shows that if the viewer does not comply or satisfy with the billing issue, the customer service from the service provider will turn off the service **including the program guide**. Office action p. 9.

The Office action provides no basis for why canceling a pay-per-view order (or simply not subscribing to a service) will result in turning off the program guide itself. This conclusion is not based on any evidence of record. Moreover, when a guide

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\* Applicants respectfully submit that the Office Action provides no support for a suggestion or motivation for modifying Youman or Lajoie, and for this reason alone the rejections should be withdrawn.

provides a multitude of features, the more logical approach is for the system provider to keep the guide running so that features unrelated to the pay-per-view order are still provided (such as when, for example, pay-per-view ordering and guide services are separate charges). Applicants respectfully submit that the rejections of claims 19, 40 and 61 should be withdrawn.

i. Claims 20, 41 and 62

As stated in applicants' Reply to the previous Office Action, applicants' claims 20, 41, and 62 patentably improve on Youman.\* Moreover, applicants have amended claims 20, 41, and 62 to state that the user is provided with a display having a "channel indicator and additional channel information[.]" The user is also provided with "an opportunity to set a television channel as a favorite based on the additional channel information[.]"

FIG. 9 of LaJoie (cited by Examiner) illustrates a channel settings menu screen that allows the user to add a

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\* Youman broadly discloses a favorite channel feature that allows users to designate favorite channels and categories. See, e.g., Youman, col. 26, lines 13-62; FIG. 8. For example, the "Favorite Channel" display of FIG. 8 indicates channels using channel numbers and call letters, and allows a user to define a favorite channel tuning sequence. Applicant's systems and method of claims 20, 41 and 62 patentably improve upon Youman by providing users with an opportunity "to view **channel information**" from a favorites display and set a channel as a favorite "based on the **channel information**." Applicants' channel information gives users **additional information** about channels to aid users in making their decision as to whether or not to set a channel as a favorite. See page 12 of applicants' Reply to the January 3, 2002 Office Action.

channel as a favorite. However, it only provides channel indicators such as channel KCBS. LaJoie does not provide the user with the opportunity to set a channel as a favorite "based on the additional channel information" presented to the user "from a favorites program guide display screen[.]" Hence, LaJoie does not teach or suggest applicants' improvements of claims 20, 41, and 62.

The foregoing demonstrates the patentability of claims 20, 41 and 62. Accordingly, the § 103 rejections should be withdrawn.

2. Claims 64-81 Are Patentable Over  
The Youman-Brandon Combination

Claims 64-81 were rejected as being obvious over Youman in view of Brandon (the "Youman-Brandon Combination"). Applicants respectfully submit that the Youman-Brandon Combination does not teach all of applicants' claimed features and, for this reason alone, the § 103 rejections should be withdrawn.\*

Generally speaking, claims 64-81 are directed to various embodiments of applicants' systems and methods for supporting the use of RF bypass switches of different "types" in

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\* Applicants respectfully submit that the Examiner has also failed to provide a sufficient motivation to make the Youman-Brandon combination when all of applicants' features of claims 64-81 are considered, and for this reason alone the rejections should be withdrawn.

conjunction with a set-top box. As set forth in independent claims 64, 70 and 76, applicants' set-top box is configured (or configurable) to operate "differently for each type of RF bypass switch" used. In some embodiments, for example, the set-top box may operate in a different "mode" depending on the RF switch used. For example, one "mode" may providing the user with the opportunity to watch any channel that the television is capable of decoding (i.e., unscrambled analog channel), while simultaneously allowing the user to record any program that can be processed by the set-top-box. See applicants' specification at p. 55, lines 1-19. In an alternative "mode," for example, the user may be provided with the opportunity of simultaneously watching and recording a particular processed output signal (i.e., television program) for the set-top-box. See applicants' specification at p. 54, lines 4-32. In some embodiments, the set-top box may operate differently depending on the number of cables supported by an RF switch. See, e.g., applicants specification at p. 56, line 22, through p.57, line 5.

The Office Action acknowledges that claims 64-81 are not anticipated by Youman. And clearly, Brandon uses **only one type** of RF bypass switch. Brandon does not describe or suggest configuring its end user device for different "types" of RF bypass switch[es], or operating its end user device in accordance with different "modes" for each type of "RF bypass switch" used.

Accordingly, the obviousness rejections of claims 64-81 should be withdrawn.

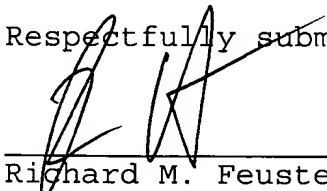
II. Request for signed Form PTO-1449

Applicants' have not yet received a signed copy of the Form PTO-1449 of Information Disclosure Statement filed concurrently with this application. Applicants request that a signed copy of the Form PTO 1449 be returned with the next Office Action. Please note that a similar request had been made in our previous Reply to the January 3, 2002 Office Action.

III. Conclusion

The foregoing demonstrates that this application is in condition for allowance. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



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APPENDIX  
CLAIM AMENDMENT MARK-UPS

1. (Amended) An interactive television program guide system comprising:

a program guide data source for providing program guide data comprising program listings; and

an interactive television program guide implemented on interactive television program guide equipment having user television equipment, wherein the interactive television program guide is configured to display on the user television equipment a program listings screen having a plurality of navigatable program listings and a separator embedded within the navigatable program listings, wherein the separator visually separates the navigatable program listings into two regions each of which is associated with a different time slot, and wherein the separator contains information associated with one of the time slots.

14. (Amended) An interactive television program guide system comprising:

a program guide data source for providing program guide data comprising program listings; and

an interactive television program guide implemented on interactive television program guide equipment having user television equipment, wherein the interactive

television program guide is configured to provide a user with an opportunity to configure the program guide to auto-tune channels when the user indicates a desire to change channels, and to configure the program guide to not change channels when the user enters channel numbers using less than a predefined number of digits.

20. (Amended) An interactive television program guide system comprising:

a program guide data source for providing program guide data comprising program listings; and

an interactive television program guide implemented on interactive television program guide equipment having user television equipment, wherein the interactive television program guide is configured to:

provide a user with an opportunity to view a channel indicator and additional channel information from a favorites program guide display screen; and

provide a user with an opportunity to set a television channel as a favorite based on the additional channel information.

22. (Amended) A method for use in an interactive television program guide system comprising the steps of:

providing program guide data comprising program listings; and

displaying with an interactive television program guide implemented on interactive television program guide equipment having user television equipment on the user television equipment a program listings screen having a plurality of navigatable program listings and a separator embedded within the navigatable program listings, wherein the separator visually separates the navigatable program listings into two regions each of which is associated with a different time slot, and wherein the separator contains information associated with one of the time slots.

35. (Amended) A method for use in an interactive television program guide system comprising the steps of:

providing program guide data comprising program listings;

providing a user with an opportunity to configure an interactive television program guide implemented on interactive television program guide equipment having user television equipment to auto-tune channels when the user indicates a desire to change channels, and to configure the program guide to not change channels when the user enters channel numbers using less than a predefined number of digits; and

displaying at least a portion of the program listings with the interactive television program guide on the user television equipment in a program guide display screen.

41. (Amended) A method for use in an interactive television program guide system comprising the steps of:

providing program guide data comprising program listings;

providing a user with an opportunity to view a channel indicator and additional channel information from a favorites program guide display screen with an interactive television program guide implemented on interactive television program guide equipment having user television equipment, wherein the favorites program guide display screen is displayed on the user television equipment; and

providing a user with an opportunity to set a television channel as a favorite based on the additional channel information with the interactive television program guide.

43. (Amended) An interactive television program guide system comprising:

means for providing program guide data comprising program listings; and

means for displaying with an interactive television program guide implemented on interactive television

program guide equipment having user television equipment on the user television equipment a program listings screen having a plurality of navigatable program listings and a separator embedded within the navigatable program listings, wherein the separator visually separates the navigatable program listings into two regions each of which is associated with a different time slot, and wherein the separator contains information associated with one of the time slots.

56. (Amended) An interactive television program guide system comprising:

means for providing program guide data comprising program listings;

means for providing a user with an opportunity to configure an interactive television program guide implemented on interactive television program guide equipment having user television equipment to auto-tune channels when the user indicates a desire to change channels, and to configure the program guide to not change channels when the user enters channel numbers using less than a predefined number of digits; and

means for displaying at least a portion of the program listings with the interactive television program guide on the user television equipment in a program guide display screen.

62. (Amended) An interactive television program guide system comprising:

means for providing program guide data comprising program listings;

means for providing a user with an opportunity to view a channel indicator and additional channel information from a favorites program guide display screen with an interactive television program guide implemented on interactive television program guide equipment having user television equipment, wherein the favorites program guide display screen is displayed on the user television equipment; and

means for providing a user with an opportunity to set a television channel as a favorite based on the additional channel information with the interactive television program guide.